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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,030	10/26/2001	Hong-Goo Kang	2000-0588	5014
7590 09/09/2004				
Samuel H. Dworetsky AT&T Corp. P.O. Box 4110 Middletown, NJ 07748-4110		EXAMINER RIVERO, MINERVA		
		ART UNIT 2655		PAPER NUMBER

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/002,030

**Applicant(s)**

KANG ET AL.

**Examiner**

Minerva Rivero

**Art Unit**

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because of terminology that should be avoided in the abstract in line 1: "The present invention". Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

2. Claims 10, 11, 21 and 22 are objected to because of the following informalities: "the modifying reference signal" in claims 10 and 21 lacks antecedent basis. Appropriate correction is required.

The examiner will treat the claims on the merits assuming these are typographical errors and the aforementioned claims refer to "the modified reference signal".

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Westerlund et al. (U.S. 6,757,654).

Regarding claims 1 and 12, Westerlund et al. disclose a method/apparatus for mitigating errors in frames of a received communication, comprising (1) determining a reference signal based on the received communication (Col 1, Lines 58-60), (2) determining a modified reference signal based on the received communication (Col 2, Lines 11-14) and (3) adjusting an adaptive codebook gain based on a difference between the reference signal and the modified reference signal (Col 2, Lines 15-30; Col 4, Line 66 – Col 5, Line 26).

Regarding claims 2 and 13, Westerlund et al. disclose the method/apparatus wherein the reference signal is determined based on transmitting parameters of the received communication (Col 2, Lines 31-44; Col 4, Lines 25-32).

Regarding claims 3 and 14, Westerlund et al. disclose the method/apparatus wherein the transmitting parameters include at least a long-term prediction lag, fixed codebook, adaptive codebook gain vector  $g_p$ , fixed codebook gain vector  $g_c$  and linear prediction coefficients  $A(z)$  (Col 2, Lines 56-62; Col 3, Lines 24-33; Col 13, Line 58-Col 14, Line 7).

Regarding claims 4, 6, 15 and 17, Westerlund et al. disclose the method/apparatus wherein the reference signal is determined by adding an adaptive codebook vector with a fixed codebook vector to form an excitation signal and passing the excitation signal through a synthesis filter (Col 2, Lines 50-62; Col 19, Lines 27-29).

Regarding claims 7 and 18, Westerlund et al. disclose the method/apparatus wherein the adaptive codebook vector is based on at least the long-term prediction lag and the fixed codebook vector is based on the fixed codebook (Col 1, Lines 39-57; Col 3, Lines 14-33; Col18, Lines 11-43).

Regarding claims 5, 8, 16 and 19, Westerlund et al. disclose the method/apparatus wherein the adaptive codebook vector is amplified by an adaptive codebook gain vector  $g_p$  and the fixed codebook vector is amplified by a fixed codebook gain vector  $g_c$  prior to being added together to form the excitation signal (Col 4, Lines 25-32; Col 4, Line 66-Col 5, Line 26).

Regarding claims 9 and 20, Westerlund et al. disclose the method/apparatus wherein the difference between the reference signal and the modified reference signal is based on a mean squared error between the reference signal and the modified reference signal (Col 2, Lines 15-24; Col 4, Lines 13-15).

Regarding claims 10 and 21, Westerlund et al. disclose the method/apparatus wherein the difference between the reference signal and the modified signal is based on the mean squared error between the reference signal and the modifying reference signal, wherein the difference is minimized (Col 2, Lines 15-30; Col 4, Lines 13-15; Fig.3, element 316).

Regarding claims 11 and 22, Westerlund et al. disclose the method/apparatus wherein the difference between the reference signal and the modified reference signal is minimized according to the equation:  $\min_{g'_p, g'_c} (N_s - 1) \sum_{n=0}^{N_s-1} (h(n) * (u(n) - (g'_p v'(n) + g'_c c'(n))))^2$  where  $N_s$  is a subframe size and  $h(n)$  is an impulse response corresponding to  $1/A(z)$  (Col 2, Lines 15-30; Col 4, Lines 3-15).

### ***Conclusion***

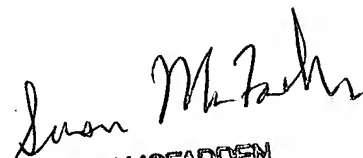
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minerva Rivero whose telephone number is (703) 605-4377. The examiner can normally be reached on Monday-Friday 8:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2655

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR 09/07/2004

  
SUSAN MCFADDEN  
PRIMARY EXAMINER